(41)

**HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR**

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**SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ.**

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**WRIT PETITION No.2156 OF 2006**

**PETITIONERS**

1. Preetam Singh Gulati, S/o Amar Gulati aged 54 years,
2. Smt. Indrajeet Kour Gulati W/o Shri Preetum Singh Gulati, aged about 52 years

Both residents of Main Road Korba, Tahsil & District Korba (Chhattisgarh)

Versus

**RESPONDENTS**

1. State of Chhattisgarh Through the Secretary, Department of Revenue, Mantralaya Dau Kalyan Singh Bhawan, Raipur (Chhattisgarh)
2. Collector, District Korba (Chhattisgarh)
3. Superintendent of Police, Distt. Korba (Chhattisgarh)
4. Station House Officer Police Station City Kotwali, Distt. Korba (Chhattisgarh)
5. Umashankar Gupta, S/o Late Vishwanath Prasad Gupta, aged about 40 years
6. Ravishankar S Gupta, S/o Late Vishwanth Prasad Gupta, aged about 25 years,
7. Monu Gupta, S/o Late Shri Vishwanath Prasad Gupta, aged about 22 years,

Respondents No. 5 to 7 r/o main road Korba, Tahsil & District Korba (Chhattisgarh)

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Present : Shri Ashish Shrivastava, learned counsel for the petitioners.
Shri Utkarsh Verma, learned Deputy G.A. for the State.

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**ORAL ORDER**
**(Passed on 01st May, 2006)**

To put the case of the petitioners, in brief, is that they are in lawful possession and enjoyment of the subject land by virtue of a lease

granted by the 2nd respondent and respondents 5 to 7 and their men, without any semblance of legal right and interest and notwithstanding the lease granted by the 2nd respondent, have been interfering with the petitioners' peaceful possession and enjoyment of the subject land. The petitioners complain that though this highhanded action of respondents 5 to 7 was brought to the notice of the local police, they have not taken any steps to protect the possession of the petitioner. I am at a loss to understand why in a matter like this, the petitioners should approach the local police or this Court under Article 226 of the Constitution. The petitioners can work out their legal remedies by instituting a suit before the jurisdictional Civil Court for declaration and/or injunction, as the case may be. The remedy available for the petitioner before the jurisdictional Civil Court is most comprehensive and effective rather than the remedy that may be granted under Article 226 of the Constitution. Looking from that angle also, this is not a fit case to be entertained under Article 226 of the Constitution. The writ petition is, therefore, dismissed, however reserving liberty to the petitioners to work out their legal remedies before the jurisdictional Civil Court by instituting a suit, if they are so advised. No costs.

Sd/-
Chief Justice

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